

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),  
-vs-

THE M/Y GALACTICA STAR, BEING A 65-METER MOTOR YACHT BUILT BY HEESEN SHIPYARDS WITH INTERNATIONAL MARITIME ORGANIZATION NUMBER 9679830, AND REGISTERED UNDER THE LAWS AND FLAG OF THE CAYMAN ISLANDS AT THE PORT OF GEORGE TOWN, INCLUDING ALL FIXTURES, FITTINGS, MANUALS, STOCKS, STORES, INVENTORIES, AND EACH LIFEBOAT, TENDER, AND OTHER APPURTEMENT THERETO, INCLUDING, BUT NOT LIMITED TO, THE TENDER BOAT RECORDED AS A 7.5 METER DARIEL "GUEST TENDER" WITH ID/SERIAL NO. DRLDT759G313, AND ANY PROPERTY TRACEABLE THERETO;

ANY AND ALL FUNDS, PROCEEDS, CASH, OR BENEFITS TO BE DISBURSED OR OTHERWISE OWING TO ONE57 79 INC., OR TO ITS SUCCESSORS OR ASSIGNS, OUT OF ANY SURPLUS FUNDS RESULTING FROM THE FORECLOSURE AUCTION, TO BE HELD ON OR ABOUT JULY 19, 2017, OF REAL PROPERTY LOCATED IN NEW YORK, N.Y., AND COMMONLY KNOWN AS 157 WEST 57<sup>TH</sup> STREET, UNIT 79, NEW YORK, N.Y. 10019;

REAL PROPERTY LOCATED IN NEW YORK, N.Y., COMMONLY KNOWN AS 1049 FIFTH AVENUE, UNITS 11B AND 12B, NEW YORK, N.Y. 10032, AND ALL APPURTENANCES, IMPROVEMENTS,

**CLAIMANT FEDERAL REPUBLIC OF NIGERIA'S ANSWER TO VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

CIVIL ACTION NO.: 4:17-CV-02166

JURY TRIAL DEMANDED

AND ATTACHMENTS LOCATED THEREON, AND ANY PROPERTY TRACEABLE THERETO;

REAL PROPERTY LOCATED IN MONTECITO, CALIF., COMMONLY KNOWN AS 807 CIMA DEL MUNDO ROAD, MONTECITO, CALIF. 90077, AND ALL APPURTENANCES, IMPROVEMENTS, AND ATTACHMENTS LOCATED THEREON, AND ANY PROPERTY TRACEABLE THERETO;

REAL PROPERTY LOCATED IN MONTECITO, CALIF., COMMONLY KNOWN AS 815 CIMA DEL MUNDO ROAD, MONTECITO, CALIF. 90077, AND ALL APPURTENANCES, IMPROVEMENTS, AND ATTACHMENTS LOCATED THEREON, AND ANY PROPERTY TRACEABLE THERETO;

ALL RIGHTS AND INTERESTS HELD BY RIVERMOUNT INTERNATIONAL LTD., OR ITS AFFILIATES OR ASSIGNEES, IN THE SUBORDINATED CONVERTIBLE PROMISSORY NOTE EXECUTED BETWEEN CROSS HOLDINGS, INC., AND RIVERMOUNT INTERNATIONAL LTD., DATED ON OR ABOUT JULY 15, 2015, AS VARIED OR AMENDED BY THE PARTIES THERETO, AND ALL PROPERTY TRACEABLE THERETO,

Defendants *In Rem*

**CLAIMANT FEDERAL REPUBLIC OF NIGERIA'S ANSWER TO VERIFIED**

**COMPLAINT FOR FORFEITURE IN REM**

Claimant Federal Republic of Nigeria (“Claimant”) by and through undersigned counsel, hereby files its Answer and Affirmative Defenses (“Answer”) to Plaintiff’s Verified Complaint for Forfeiture *In Rem* (the “Complaint”) and says:

**GENERAL DENIAL**

Claimant does not respond to the headings in the Complaint as they are descriptive and no responses are required. Except as expressly admitted herein, Claimant denies each and every allegation in the Complaint.

**SPECIFIC RESPONSES**

**I. NATURE OF THE ACTION**

1. Insofar as the allegations in paragraph 1 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations of paragraph 1 and on that basis denies them.

2. Insofar as the allegations in paragraph 2 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations of paragraph 2 and on that basis denies them.

3. Insofar as the allegations in paragraph 3 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations of paragraph 3 and on that basis denies them.

4. Insofar as the allegations in paragraph 4 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations of paragraph 4 and on that basis denies them.

5. Insofar as the allegations in paragraph 5 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations of paragraph 5 and on that basis denies them.

6. Insofar as the allegations in paragraph 6 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations of paragraph 6 and on that basis denies them.

7. Insofar as the allegations in paragraph 7 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations of paragraph 7 and on that basis denies them.

8. Insofar as the allegations in paragraph 8 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies them. Claimant denies that the Claimed Property, as the term is defined in Verified Claim and Statement of Interest of the Federal Republic of Nigeria, ECF Docket #15, and all property traceable thereto, are subject to forfeiture as property involved in money laundering transactions, in violation of U.S. law.

## **II. THE DEFENDANTS *IN REM***

9. No response is required to Paragraph 9 of the Complaint.

### **III. JURISDICTION AND VENUE**

10. The allegations in paragraph 10 of the Complaint state legal conclusions to which no response is required. To the extent a response is deemed required to such legal conclusion, Claimant denies the allegations.

11. The allegations in paragraph 11 of the Complaint state legal conclusions to which no response is required. To the extent a response is deemed required to such legal conclusion, Claimant denies the allegations.

12. The allegations in paragraph 12 of the Complaint state legal conclusions to which no response is required. To the extent a response is deemed required to such legal conclusion, Claimant denies the allegations.

### **IV. STATUTORY BASIS FOR FORFEITURE**

13. Insofar as the allegations in paragraph 13 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations in paragraph 13 and on that basis denies them. Claimant denies that the Claimed Property, as the term is defined in Verified Claim and Statement of Interest of the Federal Republic of Nigeria, ECF Docket #15, and all property traceable thereto, are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C).

14. Insofar as the allegations in paragraph 14 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations in paragraph 14 and on that basis denies them. Claimant denies that the Claimed Property, as the term is defined in Verified Claim and

Statement of Interest of the Federal Republic of Nigeria, ECF Docket #15, and all property traceable thereto, are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

15. Insofar as the allegations in paragraph 15 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations in paragraph 15 and on that basis denies them. Claimant denies that the Claimed Property, as the term is defined in Verified Claim and Statement of Interest of the Federal Republic of Nigeria, ECF Docket #15, and all property traceable thereto, are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

16. Insofar as the allegations in paragraph 16 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations in paragraph 16 and on that basis denies them. Claimant denies that the Claimed Property, as the term is defined in Verified Claim and Statement of Interest of the Federal Republic of Nigeria, ECF Docket #15, and all property traceable thereto, are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

17. Insofar as the allegations in paragraph 17 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations in paragraph 17 and on that basis denies them. Claimant denies that the Claimed Property, as the term is defined in Verified Claim and Statement of Interest of the Federal Republic of Nigeria, ECF Docket #15, and all property traceable thereto, are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

18. The allegations in paragraph 18 of the Complaint state legal conclusions to which no response is required. To the extent a response is deemed required to such legal conclusion, Claimant denies the allegations.

#### **V. RELEVANT PERSONS AND ENTITIES**

19. Claimant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in paragraph 19, and on that basis denies them.

20. Insofar as the allegations in paragraph 20 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 20 and on that basis denies them, except that Claimant admits that Diezani Alison-Madueke is the former Nigerian Minister for Petroleum Resources.

21. Insofar as the allegations in paragraph 21 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 21 and on that basis denies them, except that Claimant admits that the Nigerian National Petroleum Corporation (“NNPC) is a state-owned oil corporation.

22. Insofar as the allegations in paragraph 22 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 22 and on that basis denies them,

except that Claimant admits that the Nigerian National Petroleum Corporation (“NNPC”) is a state-owned oil corporation.

23. Insofar as the allegations in paragraph 23 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 23 and on that basis denies them, except that Claimant admits that the Nigerian Petroleum Development Company (“NPDC”) is a subsidiary of the NNPC.

24. Insofar as the allegations in paragraph 24 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 24 and on that basis denies them.

25. Insofar as the allegations in paragraph 25 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 25 and on that basis denies them.

26. Insofar as the allegations in paragraph 26 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 26 and on that basis denies them.

27. Insofar as the allegations in paragraph 27 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal

conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 27 and on that basis denies them.

28. Insofar as the allegations in paragraph 28 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 28 and on that basis denies them.

29. Insofar as the allegations in paragraph 29 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 29 and on that basis denies them.

30. Insofar as the allegations in paragraph 30 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 30 and on that basis denies them.

31. Insofar as the allegations in paragraph 31 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 31 and on that basis denies them.

32. Insofar as the allegations in paragraph 32 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 32 and on that basis denies them.

33. Insofar as the allegations in paragraph 33 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 33 and on that basis denies them.

## **VI. FACT**

34. Claimant lacks sufficient information to admit or deny the allegations in paragraph 34 of the Complaint and on that basis denies them.

35. Claimant lacks sufficient information to admit or deny the allegations in paragraph 35 of the Complaint and on that basis denies them.

36. Claimant lacks sufficient information to admit or deny the allegations in paragraph 36 of the Complaint and on that basis denies them.

37. Claimant lacks sufficient information to admit or deny the allegations in paragraph 37 of the Complaint and on that basis denies them.

38. Claimant lacks sufficient information to admit or deny the allegations in paragraph 38 of the Complaint and on that basis denies them.

39. Claimant lacks sufficient information to admit or deny the allegations in paragraph 39 of the Complaint and on that basis denies them.

40. Claimant lacks sufficient information to admit or deny the allegations in paragraph 40 of the Complaint and on that basis denies them.

41. Claimant lacks sufficient information to admit or deny the allegations in paragraph 41 of the Complaint and on that basis denies them.

42. Claimant lacks sufficient information to admit or deny the allegations in paragraph 42 of the Complaint and on that basis denies them.

43. Claimant lacks sufficient information to admit or deny the allegations in paragraph 43 of the Complaint and on that basis denies them.

44. Claimant lacks sufficient information to admit or deny the allegations in paragraph 44 of the Complaint and on that basis denies them.

45. Claimant lacks sufficient information to admit or deny the allegations in paragraph 45 of the Complaint and on that basis denies them.

46. Claimant lacks sufficient information to admit or deny the allegations in paragraph 46 of the Complaint and on that basis denies them.

47. Claimant lacks sufficient information to admit or deny the allegations in paragraph 47 of the Complaint and on that basis denies them.

48. Claimant lacks sufficient information to admit or deny the allegations in paragraph 48 of the Complaint and on that basis denies them.

49. Claimant lacks sufficient information to admit or deny the allegations in paragraph 49 of the Complaint and on that basis denies them.

50. Claimant lacks sufficient information to admit or deny the allegations in paragraph 50 of the Complaint and on that basis denies them.

51. Claimant lacks sufficient information to admit or deny the allegations in paragraph 51 of the Complaint and on that basis denies them.

52. Claimant lacks sufficient information to admit or deny the allegations in paragraph 52 of the Complaint and on that basis denies them.

53. Claimant lacks sufficient information to admit or deny the allegations in paragraph 53 of the Complaint and on that basis denies them.

54. Claimant lacks sufficient information to admit or deny the allegations in paragraph 54 of the Complaint and on that basis denies them.

55. Claimant lacks sufficient information to admit or deny the allegations in paragraph 55 of the Complaint and on that basis denies them.

56. Claimant lacks sufficient information to admit or deny the allegations in paragraph 56 of the Complaint and on that basis denies them.

57. Claimant lacks sufficient information to admit or deny the allegations in paragraph 57 of the Complaint and on that basis denies them.

58. Claimant lacks sufficient information to admit or deny the allegations in paragraph 58 of the Complaint and on that basis denies them.

59. Claimant lacks sufficient information to admit or deny the allegations in paragraph 59 of the Complaint and on that basis denies them.

60. Claimant lacks sufficient information to admit or deny the allegations in paragraph 60 of the Complaint and on that basis denies them.

61. Claimant lacks sufficient information to admit or deny the allegations in paragraph 61 of the Complaint and on that basis denies them.

62. Claimant lacks sufficient information to admit or deny the allegations in paragraph 62 of the Complaint and on that basis denies them.

63. Claimant lacks sufficient information to admit or deny the allegations in paragraph 63 of the Complaint and on that basis denies them.

64. Claimant lacks sufficient information to admit or deny the allegations in paragraph 64 of the Complaint and on that basis denies them.

65. Claimant lacks sufficient information to admit or deny the allegations in paragraph 65 of the Complaint and on that basis denies them.

66. Claimant lacks sufficient information to admit or deny the allegations in paragraph 66 of the Complaint and on that basis denies them.

67. Claimant lacks sufficient information to admit or deny the allegations in paragraph 67 of the Complaint and on that basis denies them.

68. Claimant lacks sufficient information to admit or deny the allegations in paragraph 68 of the Complaint and on that basis denies them.

69. Claimant lacks sufficient information to admit or deny the allegations in paragraph 69 of the Complaint and on that basis denies them.

70. Claimant lacks sufficient information to admit or deny the allegations in paragraph 70 of the Complaint and on that basis denies them.

71. Claimant lacks sufficient information to admit or deny the allegations in paragraph 71 of the Complaint and on that basis denies them.

72. Claimant lacks sufficient information to admit or deny the allegations in paragraph 72 of the Complaint and on that basis denies them.

73. Claimant lacks sufficient information to admit or deny the allegations in paragraph 73 of the Complaint and on that basis denies them.

74. Claimant lacks sufficient information to admit or deny the allegations in paragraph 74 of the Complaint and on that basis denies them.

75. Claimant lacks sufficient information to admit or deny the allegations in paragraph 75 of the Complaint and on that basis denies them.

76. Claimant lacks sufficient information to admit or deny the allegations in paragraph 76 of the Complaint and on that basis denies them.

77. Claimant lacks sufficient information to admit or deny the allegations in paragraph 77 of the Complaint and on that basis denies them.

78. Claimant lacks sufficient information to admit or deny the allegations in paragraph 78 of the Complaint and on that basis denies them.

79. Claimant lacks sufficient information to admit or deny the allegations in paragraph 79 of the Complaint and on that basis denies them.

80. Claimant lacks sufficient information to admit or deny the allegations in paragraph 80 of the Complaint and on that basis denies them.

81. Claimant lacks sufficient information to admit or deny the allegations in paragraph 81 of the Complaint and on that basis denies them.

82. Claimant lacks sufficient information to admit or deny the allegations in paragraph 82 of the Complaint and on that basis denies them.

83. Claimant lacks sufficient information to admit or deny the allegations in paragraph 83 of the Complaint and on that basis denies them.

84. Claimant lacks sufficient information to admit or deny the allegations in paragraph 84 of the Complaint and on that basis denies them.

85. Claimant lacks sufficient information to admit or deny the allegations in paragraph 85 of the Complaint and on that basis denies them.

86. Claimant lacks sufficient information to admit or deny the allegations in paragraph 86 of the Complaint and on that basis denies them.

87. Claimant lacks sufficient information to admit or deny the allegations in paragraph 87 of the Complaint and on that basis denies them.

88. Claimant lacks sufficient information to admit or deny the allegations in paragraph 88 of the Complaint and on that basis denies them.

89. Claimant lacks sufficient information to admit or deny the allegations in paragraph 89 of the Complaint and on that basis denies them.

90. Claimant lacks sufficient information to admit or deny the allegations in paragraph 90 of the Complaint and on that basis denies them.

91. Claimant lacks sufficient information to admit or deny the allegations in paragraph 91 of the Complaint and on that basis denies them.

92. Claimant lacks sufficient information to admit or deny the allegations in paragraph 92 of the Complaint and on that basis denies them.

93. Claimant lacks sufficient information to admit or deny the allegations in paragraph 93 of the Complaint and on that basis denies them.

94. Claimant lacks sufficient information to admit or deny the allegations in paragraph 94 of the Complaint and on that basis denies them.

95. Claimant lacks sufficient information to admit or deny the allegations in paragraph 95 of the Complaint and on that basis denies them.

96. Claimant lacks sufficient information to admit or deny the allegations in paragraph 96 of the Complaint and on that basis denies them.

97. Claimant lacks sufficient information to admit or deny the allegations in paragraph 97 of the Complaint and on that basis denies them.

98. Insofar as the allegations in paragraph 98 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations in paragraph 98, and on that basis denies them.

99. Claimant lacks sufficient information to admit or deny the allegations in paragraph 99 of the Complaint and on that basis denies them.

100. Claimant lacks sufficient information to admit or deny the allegations in paragraph 100 of the Complaint and on that basis denies them.

101. Claimant lacks sufficient information to admit or deny the allegations in paragraph 101 of the Complaint and on that basis denies them.

102. Claimant lacks sufficient information to admit or deny the allegations in paragraph 102 of the Complaint and on that basis denies them.

103. Claimant lacks sufficient information to admit or deny the allegations in paragraph 103 of the Complaint and on that basis denies them.

104. Insofar as the allegations in paragraph 104 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations in paragraph 104, and on that basis denies them.

105. Claimant lacks sufficient information to admit or deny the allegations in paragraph 105 of the Complaint and on that basis denies them.

106. Claimant lacks sufficient information to admit or deny the allegations in paragraph 106 of the Complaint and on that basis denies them.

107. Claimant lacks sufficient information to admit or deny the allegations in paragraph 107 of the Complaint and on that basis denies them.

108. Claimant lacks sufficient information to admit or deny the allegations in paragraph 108 of the Complaint and on that basis denies them.

109. Claimant lacks sufficient information to admit or deny the allegations in paragraph 109 of the Complaint and on that basis denies them.

110. Claimant lacks sufficient information to admit or deny the allegations in paragraph 110 of the Complaint and on that basis denies them.

111. Claimant lacks sufficient information to admit or deny the allegations in paragraph 111 of the Complaint and on that basis denies them.

112. Claimant lacks sufficient information to admit or deny the allegations in paragraph 112 of the Complaint and on that basis denies them.

113. Claimant lacks sufficient information to admit or deny the allegations in paragraph 113 of the Complaint and on that basis denies them.

114. Claimant lacks sufficient information to admit or deny the allegations in paragraph 114 of the Complaint and on that basis denies them.

115. Claimant lacks sufficient information to admit or deny the allegations in paragraph 115 of the Complaint and on that basis denies them.

116. Claimant lacks sufficient information to admit or deny the allegations in paragraph 116 of the Complaint and on that basis denies them.

117. Claimant lacks sufficient information to admit or deny the allegations in paragraph 117 of the Complaint and on that basis denies them.

118. Claimant lacks sufficient information to admit or deny the allegations in paragraph 118 of the Complaint and on that basis denies them.

119. Claimant lacks sufficient information to admit or deny the allegations in paragraph 119 of the Complaint and on that basis denies them.

120. Claimant lacks sufficient information to admit or deny the allegations in paragraph 120 of the Complaint and on that basis denies them.

121. Claimant lacks sufficient information to admit or deny the allegations in paragraph 121 of the Complaint and on that basis denies them.

122. Claimant lacks sufficient information to admit or deny the allegations in paragraph 122 of the Complaint and on that basis denies them.

123. Claimant lacks sufficient information to admit or deny the allegations in paragraph 123 of the Complaint and on that basis denies them.

124. Claimant lacks sufficient information to admit or deny the allegations in paragraph 124 of the Complaint and on that basis denies them.

125. Claimant lacks sufficient information to admit or deny the allegations in paragraph 125 of the Complaint and on that basis denies them.

126. Claimant lacks sufficient information to admit or deny the allegations in paragraph 126 of the Complaint and on that basis denies them.

127. Claimant lacks sufficient information to admit or deny the allegations in paragraph 127 of the Complaint and on that basis denies them.

128. Claimant lacks sufficient information to admit or deny the allegations in paragraph 128 of the Complaint and on that basis denies them.

129. Claimant lacks sufficient information to admit or deny the allegations in paragraph 129 of the Complaint and on that basis denies them.

130. Claimant lacks sufficient information to admit or deny the allegations in paragraph 130 of the Complaint and on that basis denies them.

131. Claimant lacks sufficient information to admit or deny the allegations in paragraph 131 of the Complaint and on that basis denies them.

132. Claimant lacks sufficient information to admit or deny the allegations in paragraph 132 of the Complaint and on that basis denies them.

133. Claimant lacks sufficient information to admit or deny the allegations in paragraph 133 of the Complaint and on that basis denies them.

134. Claimant lacks sufficient information to admit or deny the allegations in paragraph 134 of the Complaint and on that basis denies them.

135. Claimant lacks sufficient information to admit or deny the allegations in paragraph 135 of the Complaint and on that basis denies them.

136. Claimant lacks sufficient information to admit or deny the allegations in paragraph 136 of the Complaint and on that basis denies them.

137. Claimant lacks sufficient information to admit or deny the allegations in paragraph 137 of the Complaint and on that basis denies them.

138. Insofar as the allegations in paragraph 138 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegations in paragraph 138, and on that basis denies them.

139. Claimant lacks sufficient information to admit or deny the allegations in paragraph 139 of the Complaint and on that basis denies them.

140. Claimant lacks sufficient information to admit or deny the allegations in paragraph 140 of the Complaint and on that basis denies them.

141. Claimant lacks sufficient information to admit or deny the allegations in paragraph 141 of the Complaint and on that basis denies them.

142. Claimant lacks sufficient information to admit or deny the allegations in paragraph 142 of the Complaint and on that basis denies them.

143. Claimant lacks sufficient information to admit or deny the allegations in paragraph 143 of the Complaint and on that basis denies them.

144. Claimant lacks sufficient information to admit or deny the allegations in paragraph 144 of the Complaint and on that basis denies them.

145. Claimant lacks sufficient information to admit or deny the allegations in paragraph 145 of the Complaint and on that basis denies them.

146. Claimant lacks sufficient information to admit or deny the allegations in paragraph 146 of the Complaint and on that basis denies them.

147. Claimant lacks sufficient information to admit or deny the allegations in paragraph 147 of the Complaint and on that basis denies them.

148. Claimant lacks sufficient information to admit or deny the allegations in paragraph 148 of the Complaint and on that basis denies them.

149. Claimant lacks sufficient information to admit or deny the allegations in paragraph 149 of the Complaint and on that basis denies them.

150. Claimant lacks sufficient information to admit or deny the allegations in paragraph 150 of the Complaint and on that basis denies them.

151. Claimant lacks sufficient information to admit or deny the allegations in paragraph 151 of the Complaint and on that basis denies them.

152. Claimant lacks sufficient information to admit or deny the allegations in paragraph 152 of the Complaint and on that basis denies them.

153. Claimant lacks sufficient information to admit or deny the allegations in paragraph 153 of the Complaint and on that basis denies them.

154. Claimant lacks sufficient information to admit or deny the allegations in paragraph 154 of the Complaint and on that basis denies them.

155. Claimant lacks sufficient information to admit or deny the allegations in paragraph 155 of the Complaint and on that basis denies them.

156. Claimant lacks sufficient information to admit or deny the allegations in paragraph 156 of the Complaint and on that basis denies them.

157. Claimant lacks sufficient information to admit or deny the allegations in paragraph 157 of the Complaint and on that basis denies them.

158. Claimant lacks sufficient information to admit or deny the allegations in paragraph 158 of the Complaint and on that basis denies them.

159. Claimant lacks sufficient information to admit or deny the allegations in paragraph 159 of the Complaint and on that basis denies them.

160. Claimant lacks sufficient information to admit or deny the allegations in paragraph 160 of the Complaint and on that basis denies them.

161. Claimant lacks sufficient information to admit or deny the allegations in paragraph 161 of the Complaint and on that basis denies them.

162. Claimant lacks sufficient information to admit or deny the allegations in paragraph 162 of the Complaint and on that basis denies them.

163. Claimant lacks sufficient information to admit or deny the allegations in paragraph 163 of the Complaint and on that basis denies them.

164. Claimant lacks sufficient information to admit or deny the allegations in paragraph 164 of the Complaint and on that basis denies them.

165. Claimant lacks sufficient information to admit or deny the allegations in paragraph 165 of the Complaint and on that basis denies them.

166. Claimant lacks sufficient information to admit or deny the allegations in paragraph 166 of the Complaint and on that basis denies them.

167. Claimant lacks sufficient information to admit or deny the allegations in paragraph 167 of the Complaint and on that basis denies them.

168. Claimant lacks sufficient information to admit or deny the allegations in paragraph 168 of the Complaint and on that basis denies them.

169. Claimant lacks sufficient information to admit or deny the allegations in paragraph 169 of the Complaint and on that basis denies them.

170. Claimant lacks sufficient information to admit or deny the allegations in paragraph 170 of the Complaint and on that basis denies them.

171. Claimant lacks sufficient information to admit or deny the allegations in paragraph 171 of the Complaint and on that basis denies them.

**FIRST CLAIM FOR FORFEITURE**

172. Paragraph 172 of the Complaint is a summary paragraph incorporating paragraphs 1 through 171 of the Complaint; Claimant thus incorporates its response to paragraphs 1 through 171 of the Complaint thereto into its response to paragraph 172 as if fully set forth herein.

173. Paragraph 173 of the Complaint is a purported statement of law that requires no response.

174. Paragraph 174 of the Complaint is a purported statement of law that requires no response.

175. Insofar as the allegations in paragraph 175 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 175 and on that basis denies them, except that Claimant admits that the Claimed Property, as defined in the Verified Claim and Statement in Interest of the Federal Republic of Nigeria ECF Docket #15, constitute or are derived from proceeds traceable to bribery of a public official or the misappropriation, theft or embezzlement of public funds for the benefit of a public official, in violation of the laws of Nigeria.

176. Insofar as the allegations in paragraph 176 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 176 and on that basis denies them.

Claimant denies that the Claimed Property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C).

**SECOND CLAIM FOR FORFEITURE**

177. Paragraph 177 of the Complaint is a summary paragraph incorporating paragraphs 1 through 171 of the Complaint; Claimant thus incorporates its response to paragraphs 1 through 171 of the Complaint thereto into its response to paragraph 177 as if fully set forth herein.

178. Paragraph 178 of the Complaint is a purported statement of law that requires no response.

179. Paragraph 179 of the Complaint is a purported statement of law that requires no response.

180. Paragraph 180 of the Complaint is a purported statement of law that requires no response.

181. Insofar as the allegations in paragraph 181 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 181 and on that basis denies them, except that Claimant admits that the Claimed Property, as defined in the Verified Claim and Statement in Interest of the Federal Republic of Nigeria ECF Docket #15, constitute or are derived from proceeds traceable to bribery of a public official or the misappropriation, theft or embezzlement of public funds for the benefit of a public official, in violation of the laws of Nigeria.

182. Insofar as the allegations in paragraph 182 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 182 and on that basis denies them. Claimant denies that the Claimed Property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

**THIRD CLAIM FOR FORFEITURE**

183. Paragraph 183 of the Complaint is a summary paragraph incorporating paragraphs 1 through 171 of the Complaint; Claimant thus incorporates its response to paragraphs 1 through 171 of the Complaint thereto into its response to paragraph 183 as if fully set forth herein.

184. Paragraph 184 of the Complaint is a purported statement of law that requires no response.

185. Paragraph 185 of the Complaint is a purported statement of law that requires no response.

186. Paragraph 186 of the Complaint is a purported statement of law that requires no response.

187. Insofar as the allegations in paragraph 187 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 187 and on that basis denies them, except that Claimant admits that the Claimed Property, as defined in the Verified Claim and Statement in Interest of the Federal Republic of Nigeria ECF Docket #15, constitute or are

derived from proceeds traceable to bribery of a public official or the misappropriation, theft or embezzlement of public funds for the benefit of a public official, in violation of the laws of Nigeria.

188. Insofar as the allegations in paragraph 188 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 188 and on that basis denies them.

189. Insofar as the allegations in paragraph 189 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 189 and on that basis denies them. Claimant denies that the Claimed Property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

#### **FOURTH CLAIM FOR FORFEITURE**

190. Paragraph 190 of the Complaint is a summary paragraph incorporating paragraphs 1 through 171 of the Complaint; Claimant thus incorporates its response to paragraphs 1 through 171 of the Complaint thereto into its response to paragraph 190 as if fully set forth herein.

191. Paragraph 191 of the Complaint is a purported statement of law that requires no response.

192. Paragraph 192 of the Complaint is a purported statement of law that requires no response.

193. Paragraph 193 of the Complaint is a purported statement of law that requires no response.

194. Insofar as the allegations in paragraph 194 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 194 and on that basis denies them, except that Claimant admits that the Claimed Property, as defined in the Verified Claim and Statement in Interest of the Federal Republic of Nigeria ECF Docket #15, constitute or are derived from proceeds traceable to bribery of a public official or the misappropriation, theft or embezzlement of public funds for the benefit of a public official, in violation of the laws of Nigeria.

195. Insofar as the allegations in paragraph 195 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 195 and on that basis denies them.

196. Insofar as the allegations in paragraph 196 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 196 and on that basis denies them. Claimant denies that the Claimed Property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

**FIFTH CLAIM FOR FORFEITURE**

197. Paragraph 197 of the Complaint is a summary paragraph incorporating paragraphs 1 through 171 of the Complaint; Claimant thus incorporates its response to paragraphs 1 through 171 of the Complaint thereto into its response to paragraph 197 as if fully set forth herein.

198. Paragraph 198 of the Complaint is a purported statement of law that requires no response.

199. Paragraph 199 of the Complaint is a purported statement of law that requires no response.

200. Insofar as the allegations in paragraph 200 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 200 and on that basis denies them, except that Claimant admits that the Claimed Property, as defined in the Verified Claim and Statement in Interest of the Federal Republic of Nigeria ECF Docket #15, constitute or are derived from proceeds traceable to bribery of a public official or the misappropriation, theft or embezzlement of public funds for the benefit of a public official, in violation of the laws of Nigeria.

201. Insofar as the allegations in paragraph 201 of the Complaint state legal conclusions, no response is required. To the extent a response is deemed required to such legal conclusions, Claimant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and the remaining allegation in paragraph 201 and on that basis denies them.

Claimant denies that the Claimed Property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

**CLAIM FOR RELIEF**

Claimant denies that Plaintiff is entitled to the reliefs sought with respect to Claimant's interest in the Claimed Property, which Claimant owns and/or holds other ownership interest in the Claimed Property as an "innocent owner" within the meaning of 18 U.S.C. § 983(d). On this basis, Claimants' interest in the Claimed Property is not subject to forfeiture in this action.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Claimant states that it is the innocent owner of the Claimed Property as contemplated by 18 U.S.C. §983(d). upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the Claimed Property including through: (i) initiating and conducting independent criminal investigations into Dezani Alison-Madueke ("Alison-Madueke") and her co-conspirators Kolawole Akanni Aluko ("Aluko") and Olajide Omokore ("Omokore") (collectively, the "Conspirators"), Omokore has been arrested by Nigerian authorities while Alison-Madueke and Aluko remain at large; and (ii) instituting asset forfeiture proceedings in Nigerian Courts against all property connected to the criminal activities of the Conspirators.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's Complaint, as pleaded, fails to state facts sufficient to state a claim for which relief may be granted with respect to Plaintiff's claim for forfeiture against the Claimed Property.

### **THIRD AFFIRMATIVE DEFENSE**

Forfeiture of the Claimed Property in this case would violate the Due Process clause of the Fifth Amendment to the United States Constitution.

### **FOURTH AFFIRMATIVE DEFENSE**

This Court lacks jurisdiction over Plaintiff's forfeiture claim against the Claimed Property.

### **FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims for forfeiture against the Claimed Property are barred by the act of state doctrine.

### **SIXTH AFFIRMATIVE DEFENSE**

Forfeiture of the Claimed Property in this case is disproportionate and excessive, and is a violation of the Eighth Amendment to the United States Constitution.

### **SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims for forfeiture against the Claimed Property are barred due to lack of probable cause for the institution of this proceeding.

### **EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff's allegations in the Complaint are compound, vague and ambiguous.

### **NINTH AFFIRMATIVE DEFENSE**

Claimant reserves the right to amend its Answer to assert any additional affirmative defenses or amend the above affirmative defenses as discovery warrants.

### **JURY TRIAL DEMANDED**

Please take notice that Claimant demands a trial by jury of the issues and defenses raised by its Verified Claim and Answer.

**PRAYER FOR RELIEF**

WHEREFORE, Claimant Federal Republic of Nigeria prays for judgment as follows:

- A. That Plaintiff's action be dismissed in its entirety with respect to the Claimed Property and Plaintiff take nothing of the Claimed Property by way of its Verified Complaint for Forfeiture *in rem*;
- B. That the Claimed Property be released to Claimant free and clear of warrants of arrest, *Lis Pendens*, or other encumbrances of the United States or its agents;
- C. That Claimant receive a jury trial of the issues and defenses raised by its Verified Claim and Answer;
- D. That Claimant recover its attorneys' fees and court costs; and
- E. For such other and further relief as the Court deems just and proper.

Dated: September 5, 2017

Respectfully submitted,

/s/Anthony O. Egbase

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*Attorneys for Claimant Federal Republic of Nigeria*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 5, 2017, I caused service of the foregoing document on the government attorney designated under Rule G(4)(b)(ii)(D) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Actions by electronically filing the foregoing with the Clerk of the U.S. District Court for the Southern District of Texas using its CM/ECF System, which will send notification to all counsel.

I declare under penalty of perjury that the foregoing is true and correct.

By: /s/Anthony O. Egbase

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